

Explanation of U.S. Position on the Right to Truth, in Response to the Related Resolution at HRC 12

The United States was pleased to co-sponsor the resolution sponsored by Argentina on the right to truth, which may be characterized differently in various legal systems, such as our own, as the right to be informed or freedom of information or the right to know. We thank the Delegation of Argentina, for both putting this important matter before the Council and for its hard work and collaboration on the resolution.

With regard to the right to know under international humanitarian law, the United States' position has not changed since the 28th ICRC/Red Cross Conference in December 2003. At that conference the United States Government acknowledged that a "right to know" is referred to in Article 32 of the 1977 Additional Protocol I to the Geneva Conventions, but for the United States, which is not a party to that instrument, it is only "in the spirit" of that Article that families be informed of the fate of their missing family members. Furthermore, as noted the United States has not adopted Additional Protocol I of the Geneva Conventions, and therefore, has no obligations vis-à-vis any "right to truth" under the instrument.